

EXHIBIT E to Morson Declaration

**Communications with CFTC
(FOIA Request)**



U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

FOIA Office

September 20, 2018

Geoffrey Morson
6-A, Babraham Road,
Cambridge, United Kingdom
CB20RA

RE: 18-00131-FOIA
Background documents in re
Deutsche Bank, CFTC Docket No.
18-06.

Dear Mr. Morson:

This letter acknowledges the receipt of your Freedom of Information Act request dated September 20, 2018 for the documents listed below:

Background documents in re Deutsche Bank, CFTC Docket No. 18-06.

If you should have any questions regarding your request, please contact me at 202-418-5149. In any call or future correspondence concerning the request, please refer to the following case number 18-00131-FOIA.

Sincerely,

A handwritten signature in cursive script that reads "Patricia P. Williams".

Patricia P. Williams

Confirmation Number: 1809-2001-3237-20
 Submission Received: 9/20/2018 1:32:37 AM

**UNITED STATES
 COMMODITY FUTURES TRADING COMMISSION**

FOIA Request Form

This is an automatically generated response. You will receive a separate acknowledgement letter from the CFTC FOIA Office when they receive and begin processing your request.

REQUESTOR CONTACT INFORMATION		
First Name Geoffrey	Last Name Morson	
Firm Name V.		
Address 1 6-A		
Address 2 Babraham Road		
City Cambridge	State	
Province/Region/Territory	Zip/Postal CB2 0RA	Country United Kingdom
Email morson@usalaweurope.com		
Daytime Phone Number +1 UK 1223247405		Fax Number
DESCRIPTION OF REQUESTED FOIA INFORMATION		
Please specify the information you are requesting. Be specific and include the time period covered by your request if possible.		
The evidence against Deutsche Bank AG and Deutsche Bank Securities Inc., which led to the Order, Findings and Remedial Sanctions in "The Matter of Deutsche Bank AG and Deutsche Bank Securities Inc.", CFTC Docket No. 18-06, dated January 29, 2018.		
PROCESSING FEES		
Please specify the maximum fee you are willing to pay.		
\$250.		
CERTIFICATION		

Confirmation Number: 1809-2001-3237-20

Submission Received: 9/20/2018 1:32:37 AM

☒ I agree to the collection, processing, use, and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

Geoffrey Morson

From: Geoffrey Morson <geoffrey.morson@usalaweuropa.com>
Sent: 26 September 2018 07:50
To: 'pwilliams@cftc.gov'
Subject: CFTC FOIA No. 18-00131-FOIA
Attachments: Signed Acknowledgement Letter - 18-00131.pdf

Importance: High

Your Ref. 18-00131-FOIA (Deutsche Bank)

Dear Ms. Williams:

Further to your letter dated September 20, 2018, some of the more specific information which I am seeking under FOIA is listed below.

Please let me know a date and time for me to telephone you to discuss this matter in more detail, so that the FOIA search can be conducted more efficiently and effectively.

I would like to be of assistance to you as much as I can.

I am still also seeking the information sought in the FOIA Request, namely: "The evidence against Deutsche Bank AG and Deutsche Bank Securities Inc., which led to the Order, Findings and Remedial Sanctions in *"The Matter of Deutsche Bank AG and Deutsche Bank Securities Inc."*, CFTC Docket No. 18-06, dated January 29, 2018."

Thank you very much.

Sincerely,

Geoffrey V. Morson
Harvard Law School (JD, 1969)
California (Bar #51191)
New York (Bar #1924786)
US Tax Court (1974), US Court of Federal
Claims (1974), US Court of Appeals
for the Federal Circuit (1975) etc., etc.
Cambridge, England

1. Identification and current addresses of the persons responsible for trading in silver and silver derivatives at, or on behalf of, Deutsche Bank AG ("Deutsche Bank") and its affiliate DZ Bank AG Deutsche Zentral-Genossenschaftsbank ("DZ Bank") in 2012 and 2013, specifically from January 1, 2012, to April 17, 2013, inclusive, including the persons responsible for trading regarding the financial products described below in ##4 and 7.

2. Disclosure of the chat and e-mail traffic of these persons in 2012 and 2013, specifically from January 1, 2012, to April 17, 2013, inclusive, relating to trading in silver "knock-out" products such as those described below in #7, and trading in silver derivatives including, but not limited to, futures, forwards, options and swaps, relating to hedging transactions in connection with the "knock-out" products described below in #7.

3. Disclosure of Deutsche Bank's and DZ Bank's documentation on silver and silver derivatives trading in 2012 and 2013, specifically from January 1, 2012, to April 17, 2013, inclusive, relating to trading in silver "knock-out" products such as those described below in #7, and trading in silver derivatives including, but not limited to, futures, forwards, options and swaps, relating to hedging transactions in connection with the "knock-out" products described below in #7.
4. Disclosure of agreements, memorandums, screen-shots and other documents reflecting or embodying any arrangements, understandings and courses of conduct between Deutsche Bank and DZ Bank directly or indirectly relating to trading in silver and silver derivatives, including, but not limited to, futures, forwards, options, swaps, and any other arrangements or understandings whereby DZ Bank's losses were to be covered, protected, compensated, reimbursed limited or "insured" by Deutsche Bank and/or whereby Deutsche Bank was to receive (or did receive) anything of value in connection with any silver derivatives trading operations of DZ Bank during the years 2012 and 2013, inclusive, or any portion thereof.
5. Information as to what measures, if any, Deutsche Bank took in 2012-2013 to ensure that its employees, agents, brokers, and independent and/or affiliated contractors or counterparties (including DZ Bank) would not, could not and did not manipulate the silver price directly or indirectly or engage in similar activities affecting the securities invested in by members of the public.
6. Information as to how and by what means, if any, Deutsche Bank monitored that its silver and silver derivatives trading employees, agents, brokers and independent and/or affiliated contractors or counterparties (including DZ Bank) did not and could not engage or participate in silver price manipulation events or transactions in 2012-2013, at any time.
7. Specific documentation in the possession, custody or control of Deutsche Bank and/or DZ Bank that relates, directly or indirectly via back-to-back hedging trades or similar arrangements, to the silver "Turbo" certificate trade(s) affecting Petitioner FOIA Christof Pfaff, of Germany, in the context of his acquisition of the investments and his losses of €3,013,345 (approximately \$3.5 million, currently), namely, the investments in "Open End Turbo Optionsscheine auf Edelmetalle" [*Open End Turbo Option Certificates based on Precious Metals*] bearing ISIN DE000DZ8DKA1, DE000DZ77VN3, DE000DZ8X9E3 and DE000DZ8X9A1, as also described in the following offering documents emanating from DZ Bank.
 - DZ BANK Open End Turbo Optionsscheine auf Edelmetalle, Number 545 dated 9 January 2012
 - DZ BANK Open End Turbo Optionsscheine auf Edelmetalle, Number 638 dated 31 January 2012
 - DZ BANK Open End Turbo Optionsscheine auf Edelmetalle, Number 898 dated 28 March 2012



FOIA Office

U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
www.cftc.gov

June 13, 2019

Geoffrey Morson
V.
6-A, Babraham Road
Cambridge, CB2 0RA
United Kingdom

RE: 18-00131-FOIA

Dear Mr. Morson:

This is in response to your request dated September 20, 2018 under the Freedom of Information Act seeking access to "[t]he evidence against Deutsche Bank AG and Deutsche Bank Securities Inc., which led to the Order, Findings and Remedial Sanctions in 'The Matter of Deutsche Bank AG and Deutsche Bank Securities Inc.', CFTC Docket No. 18-06, dated January 29, 2018." In accordance with the FOIA and agency policy, we have searched our records, as of September 20, 2018, the date we received your request in our FOIA office.

We have located responsive records, all of which are exempt from the FOIA's disclosure requirement as explained below. Accordingly, we are denying your request.

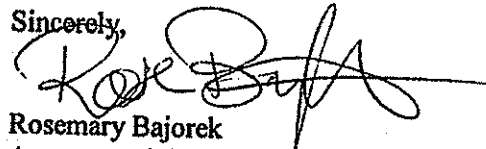
The records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

If you have any questions about the way we are handling your request, or about our FOIA regulations or procedures, please contact Rosemary Bajorek at 202-418-5912 or Jonathan Van Doren, our FOIA Public Liaison, at 202-418-5505.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 8th Floor, 1155 21st Street, N.W., Washington, D.C. 20581, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosemary Bajorek', with a long horizontal flourish extending to the right.

Rosemary Bajorek
Attorney-Advisor

Geoffrey Morson

From: Bajorek, Rosemary <RBajorek@CFTC.gov>
Sent: 25 July 2019 20:18
To: Geoffrey Morson
Cc: Kelley, Shannon
Subject: RE: CFTC Response to FOIA Request 18-00131-FOIA
Attachments: 18-00131-FOIA.pdf

Geoffrey,

We looked into your FOIA request, 18-00131-FOIA. Your request asked for "[t]he evidence against Deutsche Bank AG and Deutsche Bank Securities Inc., which led to the Order, Findings and Remedial Sanctions in 'The Matter of Deutsche Bank AG and Deutsche Bank Securities Inc.', CFTC Docket No. 18-06, dated January 29, 2018." (I've attached a copy of your request for reference). Accordingly, we conducted a search for all evidence associated with 18-06 and located the responsive records. You did not include Exhibit A with your original request, and the first time we received that document was last week when you attached it to your email dated July 16, 2019. But regardless, if the information described in Exhibit A is part of the case file for 18-06, then it was covered in our search and response to 18-00131-FOIA.

You are correct that 18-06 is closed. However, we are unable to release the requested information because it is being used in other ongoing related matters (civil and criminal). Until those matters are closed, release of the information could reasonably be expected to interfere with the ongoing actions and is thus exempt from disclosure under Exemption 7(A) of the FOIA.

We understand that you wanted the records to assist in your own client's pending litigation. While we cannot release the information, I have obtained permission to tell you the names of the pending matters for which the information is being used. The ongoing related matters are: *CFTC v. Vorley*, Case No. 18-cv-00603 (N.D. Ill. 2018) and *U.S. v. Vorley, et al.*, 18-CR-0035 (N.D. Ill.).

I hope this additional information is helpful.

Thanks,
Rose Bajorek

Rosemary Bajorek
Attorney-Advisor
Office of General Counsel
U.S. Commodity Futures Trading Commission
1155 21st Street, NW, Washington, DC 20581
202.418.5912
rbajorek@cftc.gov

From: Van Doren, Jonathan
Sent: Tuesday, July 16, 2019 11:55 AM
To: Bajorek, Rosemary
Cc: Kelley, Shannon; geoffrey.morson@usalaweuropa.com
Subject: FW: [EXTERNAL] CFTC Response to FOIA Request 18-00131-FOIA
Importance: High

Hello Rose,

I received an email from Mr. Morson requesting I forward this to you directly. I believe Shannon has already contacted you, but for Mr. Morson's records I am also sending this to you.